

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

ESTABLISHMENT-Housing Department-Suits-A.P.High Court- Orders dated 13.4.2010 of A.P.High Court in W.P.No.12075/2005 filed by Sri Bh. Srinivas, Dy.E.E.(APSHCL, Narsipatnam, Visakhapatnam District to suspend operation of G.O.Rt.No.155 Housing(RH) Department-Implemented-Orders-Issued.

HOUSING (VIG. CELL) DEPARTMENT

G.O.Rt.No. 223

Dated: 25.8.2010

Read the following:-

- Ref:-
1. G.O.Rt.No.243 Housing (RH.) Department, dated 11.8.2003
 2. G.O.Rt.No.155 Housing (RH.) Department dated 26.5.2005
 3. From the interim orders dated 9.6.2005 of A.P.High Court in WPMP No.15370/2005 in W.P.No.12075/2005 filed by Sri Bh. Srinivas
 4. From the Managing Director, APSHCL Lr.No.A8 (1)/3223/05, dated 7.10.05
 5. Government Memo.No.72191/RH.2/2005-4, dated 5.12.2005
 6. From the orders dated 13.4.2010 of A.P.High Court in W.P.No.12075/2005 filed by Sri Bh.Srinivas
 7. From the Managing Director, APSHCL Lr. No.A8(1)/3223/2005, dated 17.5.2010.

ORDER:

In the G.O.1st read above, Notice was issued to Sri Bh. Srinivas, Dy.EE calling objection as to why the orders issued vide Govt. Lr.No.159/RH1/98, dated 1.4.98, Lr.No.3024/RH1/98, dated 30.6.98 and G.O.Rt.No.247 Housing (RH) Dept., dated 29.10.98 regarding regularizing his services w.e.f. the date of 27.8.1983 in the category of A.E. instead of 3.11.1983 considering his date of joining as Arch. Draughtsman and to re-fix his seniority at the appropriate place and, promoting him as Deputy Executive Engineer (H) on adhoc basis, pending approval of the promotion in the ensuring D.P.C., respectively should not be withdrawn. In the G.O.2nd read above, orders have been issued rejecting the objections put forth by Sri Bh. Srinivas in response to the show cause notice issued and the orders issued vide Government letter No.159/RH.1/98, dated 1.4.1998, Lr.No.3024/RH.1/98, dated 30.6.1998 and G.O.Rt.No. 247 Housing (RH) Dept., dated 29.10.98 and reverted Sri Bh. Srinivas, Dy.EE(H), Narsipatnam, Visakhapatnam to the post of Asst. Engineer (H), APSHCL were withdrawn with immediate effect.

In pursuance of the said orders, the Managing Director, APSHCL vide Proceedings dated 31.5.2005, issued orders withdrawing the regularization of services of the individual as A.E.(H). w.e.f. 27.8.1983 and reverted to the post of A.E.(H). Aggrieved by the said orders, the individual filed an W.P. (No.12075/2005) before the High Court to suspend the operation of the said G.O., and consequential proceedings issued by the Managing Director, APSHCL. The Hon'ble High Court in its interim orders 3rd read above passed "interim suspension". The Government as well as Managing Director, APSHCL filed the counters before the High Court.

In the reference 6th read above, the Hon'ble High Court in its Judgment in W.P.No.12075/05, dated 13.4.2010, set-aside the orders issued in the G.O.2nd read above, on the ground that appointment made long back cannot be disturbed and Government in its letter dated 30.06.1998 clarified that the individual possessed prescribed qualification for holding the post and held that the petitioner is entitled to all the consequential benefits. In the reference 7th read above, the Executive Director, APSHCL, inter-alia, has requested the Government to issue necessary orders in the matter.

Government have examined the matter and after careful consideration of the circumstances stated in the references 6th and 7th read above, hereby direct that the orders dated 13.4.2010 of A.P.High Court in W.P.No.12075/2005, filed by Sri Bh. Srinivas, Dy.EE(H), Narsipatnam, Visakhapatnam District, to set-aside the orders issued vide G.O.Rt.No.155 Housing (RH.A2) Dept., dated 26.5.2005 and allow all consequential benefits thereon, be implemented.

The Managing Director, A.P.State Housing Corporation Ltd., Hyderabad is requested to take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. SAMUEL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Managing Director,
A.P.State Housing Corporation Ltd., Hyderabad
Copy to
The individual through the Managing Director, APSHCL, Hyderabad.
SF.

// FORWARDED:: BY ORDER //

SECTION OFFICER